

Indiana Department of Natural Resources / Division of Water

30 Day Public Notice Report

The Department of Natural Resources is providing this report to satisfy the requirements of the "Procedures Concerning Certain Licenses Act", IC 14-11-4, and its associated administrative rule, 312 IAC 2-3. The application files are available for public inspection at the Division of Water's office in Indianapolis. Please contact the Division's Technical Services Section at (317) 232-4160 or the toll free number 1-877-928-3755 to make an appointment for file review. Photocopies may be made for a nominal charge of \$0.10 per 8 1/2 " X 11" copy.

A pre-action public hearing on an application may be requested by filing a written petition with the Director, Division of Water:

Michael W. Neyer, P.E., Director
Division of Water
Room W264
402 West Washington Street
Indianapolis, Indiana 46204

For a petition to be considered valid it must:

1. Contain the typed or legibly printed name and complete mailing address of each petitioner;
2. Be signed by a minimum of 25 individuals who are at least 18 years old and either reside in the county where the project will take place or own real property within 1 mile of the project site;
3. Affirm that each signatory to the petition satisfies the requirements of item 2; and
4. Identify the application for which the public hearing is being requested either by the application # or the applicant's name and the project description.

A petition which does not meet these requirements will be considered invalid and the hearing request will not be granted.

A person may request that the Department provide written notice of its action on an application by filing a written request with:

Division of Water
Room W264
402 West Washington Street
Indianapolis, Indiana 46204

The request must identify the application by either the application # or the applicant's name and the project description.

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30 Day Public Notice Report

Application # : DR-475

Lake : West Otter Lake

Applicant : Steuben County Commissioners
Larry Gilbert
317 South Wayne Street, Suite 2 J
Angola, IN 46703-1966

Description : Two 30" diameter intake pipes will be installed along the north bank of Otter (West) Lake Channel No. 1 on Lot #12 of the Ottertarne Park Addition for the purpose of pumping floodwaters from the lake to Pigeon Creek. The intake pipes will feed to a pump house located landward of the lake shoreline. Two submersible pumps will then pump floodwaters through two 24" diameter outfall pipes that discharge to Pigeon Creek. For energy dissipation prior to entering the creek, the outfall pipes will discharge onto a gabion lined channel that conforms to the bank of Pigeon Creek. Each outfall pipe will be equipped with a flapgate to prevent water from re-entering the lake. Details of the project are contained in information and plans received at the Division of Water on June 9, 2008.

Location : On the south bank of Pigeon Creek and along the north bank of Otter (West) Lake Channel No. 1 on Lot 12 of the Ottertarne Park Addition, approximately 2600' east of the intersection of State Road 327 and US 20
DOWNSTREAM: near Angola, Jackson Township, Steuben County
NW¼, SE¼, SE¼, Section 20, T 37N, R 12E, Orland Quadrangle
Quad Code: 4108562
UTM Coordinates: Downstream 4612060 North, 652519 East
UPSTREAM:
UTM Coordinates: Upstream 4612001 North, 652897 East

Statute/Rule : "Ditch" Act, IC 14-26-5

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Application # : FW-25020

Stream : Little Elkhart River

Applicant : Town of Middlebury
Mark Salee
418 North Main Street
Middlebury, IN 46540-9216

Description : A new lift station will be constructed approximately 275' northwest. The project consists of moving an existing lift station from the floodway of the Little Elkhart River to higher elevation . Installation of new sanitary sewer pipe will also be involved in the construction of the project. The existing bypass valve vault and existing lift station pump pit will be abandoned in place. The existing lift station wet well will be reused and turned into a manhole by filling part of it and replacing the top with an at-grade, watertight frame and casting and also re-piped to the new lift station. All of the controls and standby generator will be removed from the current site. The new lift station will also consist of a new valve vault with a rim elevation of 819'. A new control panel and new standby generator will also be installed on site. Approximately 160 linear feet of existing 12" HDPE force main will have to be removed and replaced with 12" ductile iron force main for the installation of the new lift station. The new lift station will connect into this new force main with 35 linear feet of 12" ductile iron force main. Details of the project are contained in information received electronically at the Division of Water on October 2, 2008 and in plans and information received at the Division of Water on October 8, 2008.

Location : Approximately 250' north and 300' west of the State Highway 13 stream crossing
DOWNSTREAM: near Middlebury, Middlebury Township, Elkhart County
SW¼, NW¼, NE¼, Section 10, T 37N, R 7E, Middlebury Quadrangle
Quad Code: 4108566
UTM Coordinates: Downstream 4615069 North, 607712 East
UPSTREAM: Elkhart County

Statute/Rule : Flood Control Act, IC 14-28-1, with the associated Flood Hazard Area Rule, 312 IAC 10

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Application # : FW-25022

Stream : Little River

Applicant : 1st Brooks Construction Company
Sam Etermadi
6525Ardmore Avenue
Fort Wayne, IN 46809-9504

Description : A new corrugated metal culvert crossing will be buried about 2.5' below the stream bed and placed in normal road fill to carry heavy machinery across the Little River Ditch. The new crossing will consist of a metal pipe 15.9' by 9.9' by 60'. The new road will be 35' wide and will be at existing grade beyond the tops of the banks. Details of the project are contained in information and plans received at the Division of Water on October 3, 2008.

Location : Approximately 1500' south and 3000' west of the Yohne Road and Smith Road intersection
near Fort Wayne, Lafayette Township, Allen County
SE¼, SE¼, SW¼, Section 30, T 30N, R 12E, Fort Wayne West Quadrangle
Quad Code: 4108512
UTM Coordinates: Downstream 4542088 North, 649786 East

Statute/Rule : Flood Control Act, IC 14-28-1, with the associated Flood Hazard Area Rule, 312 IAC 10

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Application # : FW-25031

Stream : Clifty Creek

Applicant : The Myers Y Cooper Company
Jeff Baumgarth
1077 State Route 28, Suite 202
Milford, OH 45150-4000

Description : The proposed floodway encroachment consists of a commercial development project that will include several commercial (non-residential) buildings that will be constructed on top of a single fill pad that will be elevated above the existing grade at the site in order to provide flood protection of the buildings. The fill pad, consisting of compacted earth fill, will be placed landward of the riparian tree area along Clifty Creek on land that is currently being used for crops such that there will be a minimal loss of trees and associated fish and wildlife habitat in the floodway. The irregularly-shaped fill pad will extend approximately 2100' north of U.S. 31 and approximately 1400' east of Taylor Road. The fill pad will consist of compacted, engineered earth fill with a fill depth over existing grade ranging from approximately 5' to 10', depending upon location (not uniform over site). The top of the fill pad will be set at an elevation ranging from approximately 628', NGVD at the south area of the pad to 629', NGVD at the north area of the pad. The fill pad side slope will vary from 3:1 vertical to 2:1 vertical. The 3:1 side slopes will be covered in grass and the 2:1 side slopes will be covered with an 18" thick layer of rip rap. All of the proposed commercial buildings, parking lots and internal access drives will be constructed on top of the fill pad to provide 100 year flood protection for the site. The project will include the following commercial building structures on top of the fill pad (starting from the south): Building 1 will be a 186' by 158' commercial building with a footprint area of 29,388 square feet and a finish floor elevation of 629.50', NGVD, which is at least 2' above the applicable 100 year base flood elevation of Clifty Creek. Building 2 will be a 158' by 126' commercial building with a footprint area of 19,908 square feet and a finish floor elevation of 629.50', NGVD, which is at least 2' above the applicable 100 year base flood elevation of Clifty Creek. Building 3 will be a 100' by 75' commercial building with a footprint area of 7500 square feet and a finish floor elevation of 629.75', NGVD, which is at least 2' above the applicable 100 year base flood elevation of Clifty Creek. Building 4 will be a 75' by 75' with a footprint area of 5625 square feet and a finish floor elevation of 629.75', NGVD, which is at least 2' above the applicable 100 year base flood elevation of Clifty Creek. Building 5 will be a 158' by 140' commercial building with a footprint area of 22,120 square feet and a finish floor elevation of 629.75', NGVD, which is at least 2' above the applicable 100 year base flood elevation of Clifty Creek. Building 6 will be a 225' by 200' commercial building with a footprint area of 45,000 square feet and a finish floor elevation of 630.25', NGVD, which is at least 2' above the applicable 100 year base flood elevation of Clifty Creek. Building 7 will be a 416' by 260' commercial building with a footprint area of 104,000 square feet and a finish floor elevation of 630.25', NGVD, which is at least 2' above the applicable 100 year base flood elevation of Clifty Creek. Additional commercial buildings will be constructed on the outlots located on top of the fill pad along the Taylor Road

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frontage. These buildings will consist of commercial building structures that will also have their lowest floor elevations set at least 2' above the 100 year base flood elevation of Clifty Creek. A paved parking lot will be constructed between the 7 commercial building sites and the outlot building sites. The parking lot will also be elevated above the 100 year base flood elevation. The parking lot will be connected to Taylor Road and the U.S. 31 roadways with 2 entrance drives along each roadway. The parking lot will also contain internal access drives that will also be constructed on top of the fill pad. A borrow pond will be excavated between the fill pad and the existing riparian tree corridor along Clifty Creek. The borrow pond will be excavated into existing grade such that it will not create an obstruction to flood flows. The irregularly shaped borrow pond will have a maximum top-of-bank length of approximately 2200', measured along the flow path of the Clifty Creek floodway and a maximum top-of-bank width of approximately 1000', measured landward of Clifty Creek. The borrow pond will have a normal pool elevation of approximately 615', NGVD and will feature 2 separate pools connected by a narrow section with the north pool designed as a deep pool and the south pool designed as a shallow pool. The borrow pond will have 2:1 vertical, rip rapped side slopes along the fill pad to provide scour prevention for the fill pad. It will have 3:1 vertical side slopes along the Clifty Creek side, which will be covered in grass or other DNR-specified vegetative cover. The borrow pond will be connected to Clifty Creek via a 24" diameter pipe, the alignment of which will be selected to minimize disturbance to trees along Clifty Creek and the backfill over the pipe will be set at the existing grade along the alignment. The pipe outfall at Clifty Creek will conform to the existing creek bank geometry and will be furnished with an end section or headwall and an 18" layer of rip rap extending out from the pipe to at least 2' below the normal flow level of Clifty Creek. A separate stormwater detention pond will be constructed near the intersection of Taylor Road and U.S. 31 within the project site. The detention pond will extend approximately 270' north of the U.S. 31 right-of-way limit and approximately 300' east of the Taylor Road right-of-way limit. It will have a normal pool elevation of approximately 618', NGVD and will be bounded by the proposed elevated fill pad and existing elevated roadways. The detention pond will be connected to the borrow pond via an 18" pipe. The water from the detention pond will combine with the borrow pond water and will be conveyed to Clifty Creek via the borrow pond outlet pipe. The commercial development project will also include typical appurtenant structures including underground utilities, curbs, side walks, storm inlets, light standards, etc. Details of the project are contained in information received electronically at the Division of Water on October 10, 2008 and in plans and information received at the Division of Water on

- Location : The project site is located along the right (west) side of Clifty Creek between Clifty Creek and Taylor Road. The site extends approximately 2500' north of the U.S. 31 bridge over Clifty Creek and extends west to Taylor Road at Columbus, Clay Township, Bartholomew County Section 21, T 9N, R 6E, Elizabethtown Quadrangle Quad Code: 3908527
- Statute/Rule : Flood Control Act, IC 14-28-1, with the associated Flood Hazard Area Rule, 312 IAC 10

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30 Day Public Notice Report

Application # : FW-25032

Stream : Pigeon Creek

Applicant : Steuben County Commissioners
Larry Gilbert
317 South Wayne Street, Suite 2 J
Angola, IN 46703-1966

Description : Two 30" diameter intake pipes will be installed along the north bank of Otter (West) Lake Channel No. 1 on Lot #12 of the Ottertarne Park Addition for the purpose of pumping floodwaters from the lake to Pigeon Creek. The intake pipes will feed to a pump house located landward of the lake shoreline. Two submersible pumps will then pump floodwaters through two 24" diameter outfall pipes that discharge to Pigeon Creek. For energy dissipation prior to entering the creek, the outfall pipes will discharge onto a gabion lined channel that conforms to the bank of Pigeon Creek. Each outfall pipe will be equipped with a flapgate to prevent water from re-entering the lake. Details of the project are contained in information and plans received at the Division of Water on June 9, 2008.

Location : On the south bank of Pigeon Creek, approximately 2600' east of the intersection of State Road 327 and US 20
near Angola, Jackson Township, Steuben County
NW¼, SE¼, SE¼, Section 20, T 37N, R 12E, Orland Quadrangle
Quad Code: 4108562
UTM Coordinates: Downstream 4612001 North, 652897 East

Statute/Rule : Flood Control Act, IC 14-28-1, with the associated Flood Hazard Area Rule, 312 IAC 10

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Application # : FW-25033

Stream : Unnamed Tributary Ohio River

Applicant : Abengoa Bioenergy of Indiana LLC
Craig Kramer
16150 Main Cricle Drive, Suite 300
Chersterfield, MO 63017

Description : The project consists of installing approximately 158' of two (2) 9-foot diameter corrugated metal pipes and one (1) 10-foot diameter corrugated metal pipe within the existing Unnamed Tributary of the Ohio River (See Proposed Rail Loop, Stream Crossing & Flat Bottom Swale with Rip Rap Outfall – Point Location #22). The channel will be re-contoured approximately 115' upstream and downstream to a channel width of 24' for the pipe crossing. Each pipe outlet structure will be armored with approximately 88 cubic yards of rip rap. This crossing will allow the construction of a 78-foot wide railroad loop with 2 to 1 fill side slopes for three (3) rails and a 24' access road. The rail loop will be used to transport corn (or milo) to the plant and to transport ethanol and distillers dried grains (DDG's) (by-product of the ethanol production process) to be transported from the plant. This flexibility will enhance the long term economic viability of the proposed project. The top of rail will be placed at an elevation of 376.50 NAVD 1988 Datum. This will place approximately 1,535' of rail and support systems for railroad equipment, 52,250 cubic yards of compacted clean fill materials, and 6,050 cubic yards of rock for ballast and sub-ballast along the floodway limits of the Ohio River. The proposed access road will tie into an existing gravel access road at grade south of the project. A small flat bottom swale and a rip rap outfall on the right bank of the UNT of the Ohio River will also be installed approximately 382' south of the rail loop (See Proposed Rail Loop, Stream Crossing & Flat Bottom Swale with Rip Rap Outfall – Point Location #23). The pipe crossing and channel contouring project will disturb approximately 394' of stream within the HEC RAS modeled floodway of the UNT to the Ohio River and the elevated rail loop will disturb approximately 10.45 acres and 1,470' of the Ohio River floodway as delineated from IDNR Case Number GN-21,978 dated May 1, 2007. A mitigation plan is proposed to be installed along the Unnamed Tributary to the Ohio River for the stream impacts (See Proposed Stream Mitigation Areas exhibit drawing). The stream mitigation site is 2,200 linear feet in length and 100' by 120' wide depending on location along the stream. This location was chosen by its relationship to the perennial stream and a wooded corridor at the lower and upper end of the existing stream reach. A grass buffer would be created on the east side of the stream, due to existing utility easements for the Vectren NPDES outfall would prevent tree planting directly on the bank of the east side of the stream. The mitigation site will enhance approximately 5.8 acres with planted trees within the HEC RAS modeled floodway of the UNT to the Ohio River and the Ohio River floodway. Details of the project are contained in information received electronically at the Division of Water on October 15, 2008 and in plans and information received at the Division of Water on

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Location : Approximately 2200' south of the intersection of West Franklin Road and Darnell School Road thence running west crossing the Unnamed Tributary Ohio River and parallel to the Ohio River for 1,535'
near West Franklin, Marrs Township, Posey County
SW¼, Section 23, T 7S, R 12W, West Franklin, IN-KY Quadrangle
Quad Code: 3708786

Statute/Rule : Flood Control Act, IC 14-28-1, with the associated Flood Hazard Area Rule, 312 IAC 10